

Working parents

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Changes in the Labor Code in recent years have brought significant improvements for working parents. According to the Labor Code, pregnant women and families with newborn children are considered a critical group of employees. Modern governments have made support for families a priority in their government program statements. The consequences of these government actions are reflected particularly in legal provisions related to maternity and parental leave and in giving parents the opportunity to return to employment.

The Labor Code in its current form largely follows European legislation, which is based on securing the rights of parents to care for their children. The Court of Justice of the European Union, for instance, believes that it is legitimate for national legislation to protect the biological status of women during pregnancy and after the birth of a child and also to protect the special relationship between her and her child during the postpartum period. Any unfavorable treatment of a woman related to pregnancy or maternity constitutes direct discrimination on the grounds of sex.

The law currently requires that pregnant women, mothers until the ninth month after childbirth and breast-feeding women are provided with working conditions that protect their biological condition related to pregnancy, childbirth, childcare and their special relationship with their children after birth.

What are the obligations of an employer towards a working parent? At the request of the pregnant woman or a parent caring for a child younger than 15, the employer must allow them to change their working hours for some other arrangement of weekly working time, unless this seriously affects the company

for operational reasons. This entitlement of working parents is applicable in court. The severity of operational reasons will be assessed and measured objectively in each individual case in order to determine the scope, organization and functionality of the job the requesting parent performs. It is necessary to assess the nature of the relevant working activities and the possibility of replacing the employee with other employees.

In connection with childbirth and caring for a newborn child, the law gives a woman the right to maternity leave of 34 weeks, or 37 weeks in the case of a single mother; in cases where a woman gives birth to two or more children, maternity entitlement is up to 43 weeks in duration. Maternity leave is described as absence during which the mother is usually entitled to maternity. A woman does not specifically need to ask for maternity leave as it is legally established by the birth of her child. However, notification of the onset of maternity leave must be made by submitting a special form, which is given to the employer. During the maternity leave, the employer does not pay a salary or other compensation to the employee. Such employees cannot be dismissed during maternity leave.

The ban on dismissal applies to employees during pregnancy, during maternity leave and to single mothers caring for children younger than three years of age. There are exceptions regarding the dismissal of such employees, set out in § 64 article 3 of the Labor Code. The entitlement to maternity leave applies not only to women, but also to men caring for newborn babies.

As can be seen in European legislation, the parents should be provided with such working conditions, that they can fulfill their role in taking care of family.

Parental leave is generally granted for a period of two years from the end of maternity leave. When caring for a child whose medical condition requires special care, the employer must provide a parent with parental leave the child turns six. The Labor Code gives parents the option to spread parental leave across the child's first five years.

In cases where working parents caring for a child younger than

three years ask for parental leave because of the need to increase the degree of care for the child, the employer is obliged to grant this.

According to a new provision in § 157 of the Labor Code, an employee returning from maternity or parental leave has the right to return to their original work at their original workplace. If such a return to their original work is not possible, work comparable to their working contract must be offered. The employer is obliged to readmit the employee under conditions which are not less favorable than those that existed at the time the maternity or parental leave began. Employees returning from maternity leave are granted the right to benefit from any improvement in working conditions to which they would have been entitled had they not taken maternity or parental leave.

One advantage for working parents is the concept of split jobs. This new legal institution involves working positions that an employer can divide between more than one employee. The agreement between employee and employer sets the standards for the work position, for example: working solely mornings, only afternoons, and so on.

Working parents in a society where the family is seen as an essential element require special treatment. This is also reflected in various laws, in the form of certain benefits, and in standards guaranteeing non-discrimination. Women and men must therefore be provided with working conditions that allow them to perform a social function in raising and caring for children.



Paulína Ondrášiková
Čarnogurský ULC